

REMARKS

Independent claims 1, 16 and 17 are amended by the present action. Claims 1-17 remain pending.

The Examiner rejected claims 1, 7-8, and 14-17 under 35 USC §103(a) as being obvious over U.S. Patent No. 6,174,285 to Clark ("Clark") in view of U.S. Patent No. 5,872,571 to Arling ("Arling"). This rejection is respectfully traversed.

As acknowledged by the Examiner on page 4 of the Office Action, Clark does not "utilize data defining a reference plane ... to define at least one other plane." To compensate for the deficiencies of Clark, the Examiner relies on Arling. In particular, on page 4 of the Office Action, the Examiner takes the position that col. 3, lines 35-58 of Arling discloses a reference plane that serves to determine the angular offsets of the additional view planes.

Applicant submits that Arling discloses that a "reference scan plane is established which is 'logically' parallel to the screen display 26," and that "an angular offset between scan plane image 40 and the reference scan plane is determined and the image data from scan plane 40 is subjected to a transform which projects that image onto the reference scan plane." (Col. 3, lines 41-46).

Applicant finds in Arling no teaching or suggestion, let alone disclosure, of utilizing "data defining a reference plane for the body organ to generate and define at least one other plane with respect to the reference plane," as recited in the claimed invention. Instead, as discussed above, Arling discloses utilizes two existing planes to merely determine an "angular offset" between them. (Col. 3, lines 42-46).

In this regard, Applicant respectfully submits that the Examiner's assertion on page 5 of the Office Action that "the combined teachings [of Clark and Arling] would suggest ... that a further anatomic pre-set view be displayed using the reference positioning plane as a basis for generating a further *view*" is inapposite. (emphasis added). In particular, Applicant is not claiming using a "reference positioning plane as a basis for generating a further *view*" in the sense of projecting images onto a reference plane, as disclosed in Arling. (Col. 3, lines 53-58).

Instead, the claimed invention recites utilizing “data defining a reference plane for the body organ to generate and define at least one other plane with respect to the reference plane.”

Instead of utilizing “data defining a reference plane for the body organ to generate and define at least one other plane with respect to the reference plane” as recited in the claimed invention, the projection process disclosed in Arling does not define or generate any additional planes. Instead, as noted, Arling projects images from one existing plane onto another existing reference plane. (Col. 3:53–58).

Independent claims 16 and 17 have been amended to recite “generate and define,” and are believed to be allowable for at least the same reasons as claim 1.

Applicant submits that dependent claims 2-15 are allowable for at least the reasons as discusses above with respect to claim 1.

With regard to the rejection of claims 2 and 11, Applicant submits that U.S. Patent No. 6,290,648 to Kamiyama et al. (“Kamiyama”) does not compensate for the deficiencies of Clark and Arling. Further, claim 11 depends from claim 9, which recites “instructions for causing the computer to provide a medical evaluation.” Although Kamiyama stores data on lesions, the operator makes the diagnosis, and the lesion data only assists the operator. See Kamiyama (Col. 6, lines 34-35) (“An operator can use the apparatus relatively easily in conventional diagnoses”). The computer does not provide the medical evaluation.

If the Examiner intended to reject claim 11 over Kamiyama, and the combination of Clark, Arling, Detmer, and Coleman under which claim 9 is rejected, then he is requested to explain in the next Office Action why one of ordinary skill in the art would be motivated to combine these five references to arrive at the claimed invention.

With regard to the rejection of claims 5-6, and 9-10, Applicant submits that U.S. Patent No. 6,443,896 to Detmer (“Detmer”) and U.S. Patent No. 6,306,089 to Coleman et al. (“Coleman”) do not compensate for the deficiencies of Clark and Arling.

With regard to the rejection of claims 12 and 13, Applicant submits that U.S. Patent No. 6,413,219 to Avila et al. (“Avila”) does not make up for the deficiencies of Clark or Arling.

CONCLUSION

Applicant respectfully submits that, as described above, the cited references do not show or suggest the combination of features recited in the amended claims. Applicant has provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples Applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicant asserts that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicant has emphasized certain features in the amended claims as clearly not present in the cited references, as discussed above. However, Applicant does not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicant is providing examples of why the amended claims described above are patentably distinguishable over the cited prior art.

For at least the reasons set forth above, Applicant respectfully submits that the present application, as amended, is in condition for allowance. Reconsideration and prompt allowance of the application are respectfully requested.

AUTHORIZATION

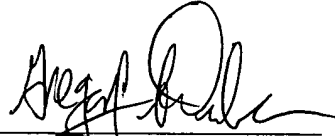
The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment to deposit account no. 08-0219.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to deposit account no. 08-0219.

Dated:

01/24/07

Respectfully submitted,



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